

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH M. SPARKS,

Plaintiff,

v.

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS, *et al.*,

Defendants.

No. C10-5142 RBL

**ORDER ADOPTING REPORT AND
RECOMMENDATION DISMISSING
ACTION WITHOUT PREJUDICE**

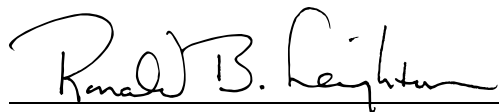
The Magistrate Judge recommends dismissal of this civil rights complaint. Plaintiff has not filed an objection. As detailed in the Report and Recommendation, Plaintiff may not challenge in a 42 U.S.C. § 1983 action, his current incarceration and the length or duration of that incarceration.

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED without prejudice** prior to service for failure to state a claim. **This dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g);** and

1 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for any
2 Defendants who have appeared, and to the Hon. Karen L. Strombom.

3 DATED this 27th day of May, 2010.
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7 RONALD B. LEIGHTON
8 UNITED STATES DISTRICT JUDGE
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